

SENATE BILL No. 312

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-6.1-3-7.

Synopsis: Reporting arrests of licensed school personnel. Allows the professional standards board to suspend the license of a licensed school employee for immorality, misconduct in office, incompetency, or willful neglect of duty. Requires a prosecuting attorney to notify the superintendent of a school corporation or the equivalent authority for a nonpublic school of: (1) a licensed employee's arrest or indictment; and (2) the disposition of any charges filed against a licensed school employee. Adds additional crimes to those for which a licensed education professional may permanently lose a license upon conviction.

Effective: July 1, 2002.

Clark, Lubbers

January 8, 2002, read first time and referred to Committee on Education.

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PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 312

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-6.1-3-7, AS AMENDED BY P.L.37-2000,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 7. (a) On the written recommendation of the state
4 superintendent, the board may **suspend or** revoke a license for:

- 5 (1) immorality;
- 6 (2) misconduct in office;
- 7 (3) incompetency; or
- 8 (4) willful neglect of duty.

9 However, for each **suspension or** revocation, the board shall comply
10 with IC 4-21.5-3.

11 (b) **The prosecuting attorney shall notify the superintendent of**
12 **a school corporation or equivalent authority for an accredited**
13 **nonpublic school whenever the prosecuting attorney knows that a**
14 **licensed employee of the school corporation or accredited**
15 **nonpublic school:**

- 16 (1) **has been arrested for a crime (as defined in IC 35-41-1-6);**
17 **or**



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(2) has had an indictment or information filed against the employee under IC 35-33-7.

After the disposition of any charges filed against an employee reported under this subsection, the prosecuting attorney shall notify the superintendent or equivalent authority of the disposition of the charges.

(c) The superintendent of a school corporation or equivalent authority for an accredited nonpublic school shall immediately notify the state superintendent when the person knows that a current or former licensed employee of the school corporation or accredited nonpublic school:

(1) has been convicted of an offense listed in subsection (c); arrested for a crime; or

(2) has had an indictment or information filed against the employee under IC 35-33-7.

After the disposition of any charges filed against an employee reported under this subsection, the superintendent or equivalent authority shall notify the state superintendent of the disposition of the charges.

(d) The board, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the board to have been convicted of any of the following offenses:

(1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(2) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(5) Child molesting (IC 35-42-4-3).

(6) Child exploitation (IC 35-42-4-4(b)).

(7) Vicarious sexual gratification (IC 35-42-4-5).

(8) Child solicitation (IC 35-42-4-6).

(9) Child seduction (IC 35-42-4-7).

(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

(12) Dealing in controlled substances (IC 35-48-4-1 through IC 35-48-4-5).

(e) A license may be suspended by the state superintendent as specified in IC 20-6.1-4-13.

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